

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GILEAD SCIENCES, INC., et al.,	:
Plaintiffs,	:
– against –	:
	:
SAFE CHAIN SOLUTIONS, LLC, et al.,	:
Defendants.	:
	:
	:
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**ORDER ADOPTING REPORT
AND RECOMMENDATION**

21-CV-4106 (AMD) (RER)

ANN M. DONNELLY, United States District Judge:

On August 23, 2021, the plaintiff served Zafar Abdullaev with the First Amended Complaint (ECF No. 49), which named him as a defendant. Abdullaev answered the complaint on November 2, 2021. (ECF No. 234.) Thereafter, Abdullaev did not respond to the plaintiff’s discovery requests, even after a court order. (ECF No. 1025.) On April 21, 2023, and May 23, 2023, Gilead moved for “case ending” sanctions against Abdullaev under Rule 37 of the Federal Rules of Civil Procedure. (ECF No. 1094.) After a hearing on Gilead’s application, the Honorable Ramon Reyes issued a Report and Recommendation recommending that the Court grant the plaintiff’s motion, strike Abdullaev’s answer, and enter default against him. (ECF No. 1144.)

Judge Reyes found that Abdullaev’s complete noncompliance with his discovery obligations over the course of one year was willful, that it prejudiced the plaintiff, and—given his disregard of prior court orders—a lesser sanction would not induce Abdullaev’s compliance. Judge Reyes also warned Abdullaev that his continued failure to respond could result in case-ending sanctions. (*See* Minute Entry dated 3/16/2023.) Finally, Judge Reyes

found that the issue of damages can be resolved at a later date. No party has filed an objection to the Report and Recommendation, and the time for doing so has passed.

A district court reviewing a report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). To accept a report and recommendation to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *VOX Amplification Ltd. v. Meussdorffer*, 50 F. Supp. 3d 355, 369 (E.D.N.Y. 2014).

I have carefully reviewed Magistrate Judge Reyes’s thoughtful Report and Recommendation for clear error and find none. Accordingly, I adopt the Report and Recommendation in its entirety. The Clerk of Court is respectfully directed to strike Abdullaev’s answer from the record and enter a certificate of default.

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
August 7, 2023